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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Mike Gleason, Chairman
William A. Mundell
Jeff Hatch-Miller
Kristin K. Mayes
Gary Pierce

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION
OF COOLIDGE POWER CORPORATION
IN CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA
REVISED STATUTES §§ 40-360.03 AND
40-360.06, *et seq.* FOR A CERTIFICATE
OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF A NOMINAL 575
MW NATURAL GAS-FIRED, SIMPLE
CYCLE GENERATING FACILITY
LOCATED WITHIN THE CITY OF
COOLIDGE IN PINAL COUNTY,
ARIZONA.

DOCKET NO. L-00000HH-08-0422-00141

CASE NO. 141

DECISION NO. _____

NOTICE OF FILING SAMPLE FORMS
OF ORDER

Pursuant to A.R.S. § 40-360.07, the Commission has the authority to confirm, deny or modify a Certificate of Environmental Compatibility ("CEC") issued by the Siting Committee. The Commission's Legal Division hereby submits sample forms of order for the Commission's convenience when considering the Siting Committee's decision in the above-captioned matter. One sample order approves the Siting Committee's decision as it was issued by the Siting Committee. The second sample order is in a format for Commission modifications to the Siting Committee's decision. The third sample order is in a format denying the Siting Committee's decision.

RESPECTFULLY SUBMITTED this 24th day of November, 2008.Arizona Corporation Commission
DOCKETED

NOV 24 2008

DOCKETED BY

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Janice M. Alward
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 **Original and twenty-five (25)**
2 **copies of the foregoing filed this**
3 **24th day of November, 2008 with:**

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 **Copies of the foregoing**
9 **mailed this 24th day of**
10 **November, 2008 to:**

11 John Foreman, Chairman
12 Arizona Power Plant & Line Transmission Siting Committee
13 Office of the Attorney General
14 1275 West Washington Street
15 Phoenix, Arizona 85007

16 Jay Moyes
17 Jeffrey Zimmerman
18 Moyes, Sellers & Sims
19 1850 North Central Avenue, Suite 1100
20 Phoenix, AZ 85004

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By  _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Mike Gleason, Chairman
4 William A. Mundell
5 Jeff Hatch-Miller
6 Kristin K. Mayes
7 Gary Pierce

8 IN THE MATTER OF THE APPLICATION
9 OF COOLIDGE POWER CORPORATION IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, *et*
13 *seq.* FOR A CERTIFICATE OF
14 ENVIRONMENTAL COMPATABILITY
15 AUTHORIZING CONSTRUCTION OF A
16 NOMINAL 575 MW NATURAL GAS-FIRED,
17 SIMLE CYCLE GENERATING FACILITY
18 LOCATED WITHIN THE CITY OF COOLIDGE
19 IN PINAL COUNTY, ARIZONA.

DOCKET NO. L-00000HH-08-0422-00141

CASE NO. 141

DECISION NO. _____

*(Sample Form of Order Granting CEC as
Issued by the Siting Committee)*

20 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to
21 A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental
22 Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee
23 ("Committee") is hereby granted by this Order.

24 The Commission further finds and concludes that: (1) the Project is in the public interest
25 because it aids the state in meeting the need for an adequate, economical and reliable supply of
26 electric power; (2) in balancing the need for the Project with its effect on the environment and
27 ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its
28 impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the
Committee resolve matters concerning the need for the Project and its impact on the environment
and ecology of the state raised during the course of proceedings, and as such, serve as the findings on
the matters raised; and (4) in light of these conditions, the balancing in the broad public interest
results in favor of granting the CEC.

...

**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive
Director of the Arizona Corporation Commission, have
hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capital, in the City of Phoenix,
this _____ day of _____ 2008.

BRIAN C. McNEIL
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Mike Gleason, Chairman
4 William A. Mundell
5 Jeff Hatch-Miller
6 Kristin K. Mayes
7 Gary Pierce

8 IN THE MATTER OF THE APPLICATION
9 OF COOLIDGE POWER CORPORATION IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, *et*
13 *seq.* FOR A CERTIFICATE OF
14 ENVIRONMENTAL COMPATABILITY
15 AUTHORIZING CONSTRUCTION OF A
16 NOMINAL 575 MW NATURAL GAS-FIRED,
17 SIMLE CYCLE GENERATING FACILITY
18 LOCATED WITHIN THE CITY OF COOLIDGE
19 IN PINAL COUNTY, ARIZONA.

DOCKET NO. L-00000HH-08-0422-00141

CASE NO. 141

DECISION NO. _____

*(Sample Form of Order Modifying CEC as
Issued by the Siting Committee)*

15 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant
16 to A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental
17 Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee
18 ("Committee") is hereby granted as modified by this Order.

19 The Commission modifies the CEC to add the following condition(s):
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1 The Commission further finds and concludes that: (1) the Project is in the public interest
2 because it aids the state in meeting the need for an adequate, economical and reliable supply of
3 electric power; (2) in balancing the need for the Project with its effect on the environment and
4 ecology of the state, the conditions placed on the CEC by the Committee as modified by the
5 Commission effectively minimize its impact on the environment and ecology of the state; (3) the
6 conditions placed on the CEC by the Committee as modified by the Commission resolve matters
7 concerning the need for the Project and its impact on the environment and ecology of the state raised
8 during the course of proceedings, and as such, serve as the findings on the matters raised; and (4) in
9 light of these conditions, the balancing in the broad public interest results in favor of granting the
10 CEC as modified by the Commission.

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CHAIRMAN	COMMISSIONER	COMMISSIONER
COMMISSIONER	COMMISSIONER	

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capital, in the City of Phoenix, this _____ day of _____ 2008.

BRIAN C. McNEIL
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Mike Gleason, Chairman
4 William A. Mundell
5 Jeff Hatch-Miller
6 Kristin K. Mayes
7 Gary Pierce

8 **IN THE MATTER OF THE APPLICATION
9 OF COOLIDGE POWER CORPORATION
10 IN CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, et
13 seq. FOR A CERTIFICATE OF
14 ENVIRONMENTAL COMPATABILITY
15 AUTHORIZING CONSTRUCTION OF A
16 NOMINAL 575 MW NATURAL GAS-
17 FIRED, SIMLE CYCLE GENERATING
18 FACILITY LOCATED WITHIN THE CITY
19 OF COOLIDGE IN PINAL COUNTY,
20 ARIZONA.**

DOCKET NO. L-00000HH-08-0422-00141

CASE NO. 141

DECISION NO. _____

*(Sample Form of Order Denying CEC as
Issued by the Siting Committee)*

21 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to
22 A.R.S. § 40-360.07. Pursuant to A.R.S. § 40-360.07(B), the Commission, in compliance with
23 A.R.S. § 40-360.06 and in balancing the broad public interest, the need for an adequate,
24 economical and reliable supply of electric power with the desire to minimize the effect thereof on
25 the environment and ecology of this state, finds that the above-captioned Application for a
26 Certificate of Environmental Compatibility ("CEC") for siting approval is hereby denied.

27 The Commission further finds and concludes that in balancing the broad public interest
28 under A.R.S. § 40-360.07(B) in this matter:

1. the evidence in the record is not sufficient to weigh the balancing of the public interest
in favor of granting a CEC in this matter when all the factors set forth in A.R.S. §
40-360.06 are considered along with need for an adequate economical, and reliable
supply of electric power;

- 1 2. the conditions placed upon CEC by the Arizona Power Plant and Transmission Line
- 2 Siting Committee ("Siting Committee") are not sufficient to weigh the balancing of
- 3 the public interest in favor of granting a CEC in this matter when all the factors set
- 4 forth in A.R.S. § 40-360.06 are considered along with the need for an adequate,
- 5 economical, and reliable supply of electric power;
- 6
- 7 3. the record compels balancing the competing public interests in favor of protection of
- 8 the environment and ecology of the State of Arizona by denying Applicant a
- 9 Certificate of Environmental Compatibility;
- 10 4. the CEC issued by the Siting Committee should not be confirmed and approved by the
- 11 Commission; and
- 12
- 13 5. the Commission's findings 1 through 4 above serve as the Commission's findings of
- 14 fact and conclusions of law in reaching its decision.
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16 Therefore, the Commission further finds and concludes that the CEC issued by the Siting
 17 Committee is hereby denied by this Order; and, the above-captioned Application for a CEC is hereby
 18 denied by this Order.

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CHAIRMAN	COMMISSIONER	
COMMISSIONER	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2008.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DISSENT: _____